

Application # 10/824,900

REMARKS

Currently claims 1-29 are pending in the application. Claims 1-29 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Crossman et al (Crossman) in view of Van Horn. For the reasons stated below, claims 1-29 are not obvious by Crossman in view of Van Horn under 35 U.S.C. 103 (a). Claims 1, 10 and 19 are herein amended for clarification. Applicants respectfully request reconsideration and further examination of claims 1-29.

Art Rejections

35 U.S.C. 103 (a)

Claims 1-29 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Crossman et al (Crossman) in view of Van Horn. To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations" [MPEP 2142]. Claims 1-29 contain the limitation "slots having two generally radially extending wall portions, wherein said wall portions have a top, a bottom, and opposing sides, and a bottom surface extending between and interconnecting said wall portion bottoms." The Examiner states that Crossman shows slots 24 "having two generally radially extending wall portions, wherein said wall portions have a top, a bottom, and opposing sides, and a bottom surface extending between and interconnecting said wall portion bottoms." Examiner provided the drawings from Crossman with mark-ups to show where these limitations are found. However, the Examiner has provided no factual basis for these mark-ups. As far as the applicant can tell, the Examiner's distinction between the "slot wall portion" and the "bottom surface" is arbitrary. Further, the claim limitation is for a "two generally *radially extending* wall portions", the Examiner has not shown how these wall portions are "radially extending". Because Crossman does not disclose these limitations, applicants respectfully submit that rejection of claims 1-29 on this basis is in error, and request rejection on this basis be withdrawn.

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The Examiner has implied that applicant has argued that the slot "top portion has to be a ninety-degree corner". Applicant has made no such representation. Applicant has merely stated that the invention spoke to a slot with defined walls and a defined bottom surface, which Crossman clearly does not have.

The Examiner states that the claim limitation "covering a portion of the lug" is not the same as *only* covering a portion of the lug. Applicant's invention is concerned with a less damaging way to transfer the load of the torque spline to the brake disc. Because Crossman basically interconnects two adjacent lugs, the design of Crossman allows the load on one lug to be transferred to another lug, via the interconnecting of the two. Further, it also allows any downward force in the notches to be transferred to the lugs. This produces forces in all directions, which puts more stress on the lugs. Applicant's invention does not have this problem. In order to better clarify this difference, Claims 1, 10 and 19 are herein amended to state that each lug cap covers "only one of said slot wall portions." Van Horn does not even have lug caps. Applicants submit that Crossman clearly covers the entire notch, and even with the Examiner's sketch of 'slot wall portions', Crossman covers at least two. Therefore, since neither Crossman nor Van Horn disclose this limitation, applicants respectfully request that the rejections against claims 1 -29 be withdrawn.


As the Examiner points out, Crossman does not disclose a lug cap face. Looking then to Van horn, what is disclosed is not a lug cap, as it does not "cap" anything. The Examiner states that Van Horn is relied upon "for the teaching of 'a face 13' to provide a larger bearing surface." The prior art brake discs have slots for the torque spline. These slots have a face which performs the same function that the torque link in Van Horn performs. The key slot segment in Crossman is getting away from this face. To use the face of the slot to reject the face of the cap is reverse logic. Applicants respectfully submit that since neither Crossman nor Van Horn disclose a "lug cap face", rejections of claims 1-29 on this basis is in error, and request rejection on this basis be withdrawn.

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Conclusion

Applicants respectfully submit that claims 1-29 are allowable as herein amended, and request that the rejections against them be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen K. Bowen', is written over a horizontal line.

Kathleen K. Bowen, Esq.
Registration No. 42,352
Attorney for Applicant